

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:06-CV-118

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	
)	DISMISSAL OF
v.)	CONSENT DECREE
)	
STATE OF NORTH CAROLINA;)	
NORTH CAROLINA STATE BOARD)	
OF ELECTIONS; and GARY O.)	
BARTLETT, Executive Director, North)	
Carolina State Board of Elections,)	
)	
Defendants.)	

DISMISSAL OF CONSENT DECREE

Plaintiff United States of America and Defendants the State of North Carolina, the North Carolina State Board of Elections, and Gary O. Bartlett, Executive Director of the North Carolina State Board of Elections, respectfully show to the Court the following in support of dismissal of the Consent Decree in this action:

I. On March 20, 2006, this Court entered a Consent Decree in this matter in which the parties agreed that the Court would retain jurisdiction over the action. The parties also agreed "to seek dismissal immediately of the Consent Decree upon enactment of legislation by the North Carolina General Assembly that permanently remedies the potential UOCAVA violation described in [the] Consent Decree and Complaint. All reporting obligations of the State Board of Elections pursuant to [the] Consent Decree shall end upon the enactment of legislation by the North Carolina General Assembly that

permanently remedies the potential UOCAVA violation described in [the] Consent Decree.”

2. On July 27, 2006, the General Assembly adopted S.L. 2006-192 which was signed by the Governor of North Carolina on August 3, 2006. (Attachment A) Sections two and six of the Act changed North Carolina’s elections statutes to permanently remedy the potential UOCAVA violation described in the Consent Decree. Specifically, section two of the Act extends from four to seven weeks the period between the first and second primaries in order for overseas voters to have time to participate, and section six of the Act amends North Carolina’s statutes to cover all citizens covered by UOCAVA.

3. This legislation was submitted for review under Section 5 of the Voting Rights Act of 1965, as amended. On October 13, 2006, the United States Department of Justice informed the State Board of Elections that the United States Attorney General interposed no objection to the election law changes in section six of S.L. 2006-192. (Attachment B) On October 20, 2006, the United States Department of Justice informed the State Board of Elections that the United States Attorney General interposed no objection to the changes in section two of S.L. 2006-192. (Attachment C)

4. The North Carolina General Assembly has adopted legislation that permanently remedies the potential UOCAVA violations described in the Consent Decree and Complaint. Since preclearance of this legislation has been obtained, there is no impediment to the administration and enforcement of the legislation throughout North Carolina.

5. In accordance with the terms of the Consent Decree, the parties now seek dismissal of it. All reporting obligations of the State Board of Elections pursuant to the decree have ceased in accordance with the terms of the Consent Decree.

6. Each party shall bear its own costs with regard to actions taken by the parties since the entry of the Consent Decree.

The undersigned consent to the dismissal of the Consent Decree in this action.

For the plaintiff:

GEORGE E. B. HOLDING
United States Attorney

Robert J. Higdon, Jr.
N.C. Bar No. 17229
Assistant United States Attorney

/s/ M. Eric Eversole
JOHN K. TANNER
REBECCA J. WERTZ
M. ERIC EVERSOLE
VERONICA S. JUNG
Trial Attorneys
Voting Section
Civil Rights Division
U.S. Department of Justice
Room 7254-NWB
950 Pennsylvania Avenue, NW
Washington, D.C. 20530
(800)253-3931

For the defendants:

/s/ Grayson G. Kelley
GRAYSON G. KELLEY
N.C. Bar No. 8439
Chief Deputy Attorney General
N. C. Department of Justice
P.O. Box 629
Raleigh, N.C. 27602-0629
(919) 716-6403
gkelley@ncdoj.gov

/s/ Gary O. Bartlett
GARY O. BARTLETT
Executive Director
N. C. State Board of Elections
6400 Mail Service Center
Raleigh, N.C. 27699-6400
(919) 733-7173

It is hereby ORDERED, ADJUDGED, and DECREED that the CONSENT
DECREE entered on March 20, 2006, is DISMISSED.

This the 18th day of December, 2006.


United States District Judge